

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

UNITED STATES OF AMERICA

v.

ACTION NO. 2-13-cr-70-2

ANGELEX, LTD.,

Defendant.

O R D E R

On July 19, 2013 the Court heard argument on the Defendant Angelex, Ltd.'s Motion to Compel Production of Interview Notes and Other Statements and Materials in the Possession of the United States. E.C.F. 35.

At the argument the Assistant United States Attorney conceded that all of the crew members that were interviewed by U.S. government agents aboard the M/V Antonis G. Pappadakis, were employees whose statements could bind the defendant Angelex, Ltd., an organizational defendant under F. R. Cr. P. 16(a)(1)(C). The government also conceded that at the initial interviews the crew members denied knowledge of the illegal discharge of waste water, but later admitted that they were aware of the illegal dumping. The Assistant United States Attorney admitted that he had not compared the interview notes of the agents conducted during multiple interviews of each crewmember with the final version of the report of interview to be certain that the final version complied in all respects with the interview notes. The Assistant United States Attorney also conceded that the defendant, with the exception of one interview, was not present at the interviews and had no independent means to know what the witnesses said during the multiple interviews.

For the reasons stated on the record the Court GRANTED the Motion to Compel in its

entirety and ORDERED the United States Attorney to provide copies of all interview notes and other statements and materials in the possession of the United States to the defendant Angelex, Ltd. by July 24, 2013 by 5:00 PM.

The Clerk shall mail or deliver a copy of this Order to the United States Attorney at Norfolk and to counsel of record for the defendants.

/s/
Tommy E. Miller
United States Magistrate Judge

Norfolk, Virginia
July 22, 2013